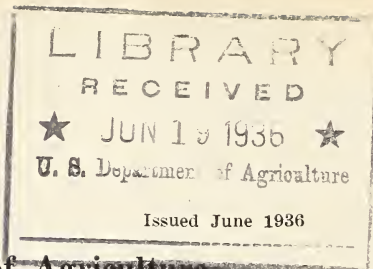


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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICE OF JUDGMENT UNDER THE REGULATIONS OF THE NAVAL STORES ACT

[Approved by the Acting Secretary of Agriculture, Washington, D. C., April 27, 1936]

**11. Sale of mislabeled turpentine. U. S. v. The Elk Manufacturing Co.
Plea of guilty. Fine, \$100. (N. S. no. 15. Sample no. 27843-B.)**

This case was based on the sale in commerce of steam-distilled wood turpentine which was not sold under or by reference to the proper United States standard therefor, as required by law, but was labeled to convey the impression that it was a higher grade turpentine.

On July 8, 1935, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Elk Manufacturing Co., a corporation, Jellico, Tenn., alleging that on or about September 5, 1934, the defendant company sold in commerce to a purchaser at Eudora, Ark., an article of naval stores without reference to the United States standard therefor. The article was labeled in part: "Elk Brand * * * Spirits Turpentine Elk Manufacturing Company * * * Jellico, Tenn."

The information charged that the sale of the article without reference to the United States standard showing its kind and designation under such standard was injurious to commerce in naval stores in that it was a kind of turpentine defined in the act as "steamed distilled wood turpentine", namely, wood turpentine distilled with steam from the oleoresin within or extracted from the wood; whereas in the sale of the said article no reference was made to the fact that it was steam-distilled wood turpentine. The information further charged that the use in commerce of the words "Turpentine" and "Spirits Turpentine" in the sale of the said article constituted a misleading and deceitful means and practice in the sale of an article of naval stores in that the said words alone did not refer to and name what particular kind of turpentine the article was as defined and required by the said act, but did represent under the general understanding attached to the said words that the article was "Gum spirits of turpentine", a kind of turpentine under the standards established by the Naval Stores Act different from steam-distilled wood turpentine. The information also charged a violation of the Food and Drugs Act reported in notice of judgment no. 25096 published under that act.

On December 2, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$100 for violation of both acts.

W. R. GREGG, *Acting Secretary of Agriculture.*

